



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

MEMO ENDORSED

February 14, 2020

By ECF

Honorable Valerie E. Caproni
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

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Re: *Natural Resources Defense Council, Inc., et al. v. U.S. Department of the Interior, et al.*, 18 Civ. 4596 (VEC), consolidated with *National Audubon Society, et al. v. U.S. Department of the Interior, et al.*, 18 Civ. 4601 (VEC), and *State of New York, et al. v. U.S. Department of the Interior, et al.*, 18 Civ. 8084 (VEC)

Dear Judge Caproni:

This Office represents defendants U.S. Department of the Interior, U.S. Fish and Wildlife Service, and Daniel Jorjani, in his official capacity (“Defendants”), in the three consolidated actions referenced above. We write respectfully to request an extension—from March 2, 2020 to March 17, 2020—of Defendants’ deadline to file their cross-motion for summary judgment and opposition to Plaintiffs’ motions for summary judgment. Counsel for Plaintiffs do not object to the extension request.

Because of the voluminous filings in support of Plaintiffs’ motions for summary judgment—Plaintiffs and *amici* submitted more than 550 pages of briefs and declarations—and overlapping deadlines in other matters, Defendants require additional time to prepare their responsive submissions and to consult thoroughly with agency officials in advance of their filing deadline. This is Defendants’ first request for an extension of the deadlines for summary judgment briefing, which were adopted by the Court in its November 18, 2019 order, *see* Dkt. No. 62, and as noted previously, counsel for Plaintiffs do not object to the request. The proposed revised briefing schedule below also includes a six-day adjustment of Plaintiffs’ next deadline, because 15-day extension (corresponding to Defendants’ request for 15 additional days) would have presented a conflict for Plaintiffs.

If the Court grants Defendants’ application, the schedule of remaining deadlines would be as follows:

- Defendants’ cross-motion for summary judgment and opposition to Plaintiffs’ motions due March 17, 2020 (*previous deadline: March 2, 2020*);
- Plaintiffs’ replies in support of their motions and oppositions to Defendants’ cross-motion due April 22, 2020 (*previous deadline: April 1, 2020*);

- Defendants' reply in support of their cross-motion due May 22, 2020 (*previous deadline: May 1, 2020*);
- Joint appendix to be filed May 29, 2020 (*previous deadline: May 8, 2020, per Dkt. No. 67*); and
- Courtesy copies to be submitted June 1, 2020 (*previous deadline: May 11, 2020, per Dkt. No. 67*).

We thank the Court for its consideration of and attention to these matters.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By: /s/ Andrew E. Krause
ANDREW E. KRAUSE
Assistant United States Attorney
Telephone: 212-637-2769
Facsimile: 212-637-2786
E-mail: andrew.krause@usdoj.gov

cc: All counsel of record via ECF

Application GRANTED.

SO ORDERED.

 2/18/2020

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE